

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CABEZON, et al.

Group: 1643

Serial. No.: 10/816,476

Examiner: Christopher Yaen

Filing Date: April 1, 2004

Title: *Vaccines*

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

COMMUNICATION

Sir:

This communication is reference to the Petition to Revive an unintentionally abandoned application pursuant to CFR 1.137(b) filed in the above referenced case.

Applicants filed a continuation of the present application on December 4, 2007, but neglected to file a separate Petition for Extension of Time in the present application for copendency purposes. However, Applicants had previously authorized the Commissioner to charge any necessary extension of time fees to our deposit account number 07-1392. (See the file history for U.S. Serial No: 10/816,476, response filed February 24, 2006, final paragraph.) Nonetheless, Applicants filed a Petition to Revive on 21 Dec 2007, along with a request that any extension fee be deducted from Applicants' deposit account in order to ensure that the priority chain to the continuation application filed on December 4, 2007 was continuous. To the best of Applicants' knowledge, this Petition has not been ruled upon.

Applicants have now determined that the e-filing made December 4, 2007 inadvertently omitted the specification. Accordingly, Applicants have taken the following actions on this day, the 29th of January, 2008: (1) filed an additional Petition to Revive in U. S. Serial No: 10/816,476; and (2) filed a specification and at least one claim in the continuation application filed December 4, 2007 (U. S. Serial No: 11/949,977). Applicants request that this petition be granted because the entire delay between the original attempt to file a continuation

application in the above referenced case and the perfection of a filing date in the child application (U. S. Serial No: 11/949,977) was unintentional.

Respectfully submitted,

/Eric J. Kron/

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Date: 29 January 2008

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